

## **STATUS OF CLAIMS**

Claims 1-10 are pending.

Claims 1-10 stand rejected by the Examiner.

Claims 1 and 7 have been amended, without prejudice, herein.

## **REMARKS**

Reconsideration of the present Application is respectfully requested.

### **Response After Final**

Entry of this Response is respectfully requested on the ground that this Response places the application in condition for allowance. Alternatively, entry of this Response is respectfully requested on the ground that this Response places the claims in better form and condition for appeal. Furthermore, Applicant submits that any arguments made regarding the claims herein do not require an additional search on the part of the Office, nor do any arguments made herein raise new issues with regard to the patentability of the claims now pending.

### **Rejections based on 35 U.S.C. § 103 (a)**

Claims 1-4 and 6-10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. Patent No. 6,520,473) in view of Lorenz (U.S. Patent No. 5,950,617). Additionally, Claims 1-10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over LeDuc (U.S. Patent No. 6,701,913) in view of Lorenz (U.S. Patent No. 5,950,617). Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. 103(a) sets forth in part:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

To establish a *prima facie* case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

*In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).*

While the cited references are directed towards grills that are engageable to a trailer receiver, none of the references, either separately or in combination, incorporates provisions to allow the apparatus to be removed from the vehicle for use. Specifically, none of the cited references include any structure for allowing the apparatus to rest on the ground in such a way as to provide a suitable cooking surface when either attached or detached from the vehicle.

Applicant has amended claims 1 and 7 to point out the presence of ground engaging elements as a portion of each of the vertical and horizontal elements, such that the in-use position (either detached from the vehicle or attached to a non-moving vehicle) allows use of the grill with the grill supported by the ground, while the traverse of the junction element relative to the vertical element allows the vertical element to be placed in a travel position. Such a travel

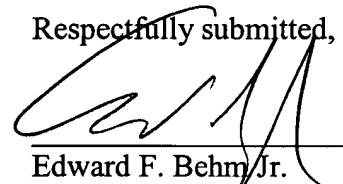
position contemplates that the ground engaging portions of the vertical and horizontal elements would no longer be in contact with the ground, such that the transportable grill could be transported without contact with the ground.

As the remaining claims depend from claims 1 and 7, and since claims 1 and 7 are believed to be allowable over the asserted references, claims 2-6 and 8-10 are believed likewise allowable, as incorporating by reference the ground engaging portion. Accordingly, claims 2-6 and 8-10 are believed in condition for allowance as well as claims 1 and 7.

### **Conclusion**

Inasmuch as Applicants have traversed the contentions of the Examiner in a diligent effort to place the application in condition for allowance Applicants respectfully request the issuance of a Notice Of Allowance for claims 1-10 at the earliest possible time. Applicants further respectfully request the courtesy of a telephone call should there be any outstanding issues related to the issuance of a Notice of Allowance in this matter.

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Respectfully submitted,  
  
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